

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA :
:
v. : CRIMINAL ACTION NO.
: 1:09-CR-0359-01-RWS

ALEJANDRO ACOSTA
SOBERANIS,

Defendant.

UNITED STATES OF AMERICA :
:
v. : CRIMINAL ACTION NO.
: 1:09-CR-361-03-RWS

ALEJANDRO ACOSTA
SOBERANIS,

Defendant.

ORDER

This case is before the Court for consideration of the Final Report and Recommendation [224 in Case No. 1:09-CR-359 and 499 in Case No. 1:09-CR-361] of Magistrate Judge Alan J. Baverman. After reviewing the record, including the Government's Objections [227 in Case No. 1:09-CR-359 and 501

in Case No. 1:09-CR-361] and Defendant's Responses [229 in Case No. 1:09-CR-359 and 503 in Case No. 1:09-CR-361] the Report and Recommendation is received with approval and adopted as the Opinion and Order of this Court.

Accordingly, the Court hereby declares that Defendant Alejandro Acosta-Soberanis is not competent to stand trial and not restorable. The Court further concludes that it is precluded at this time from determining Soberanis' dangerousness but directs that the Attorney General seek formal certification under 18 U.S.C. § 4246 from the Director of FMC Butner stating whether (1) Soberanis "is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and . . . suitable arrangements for State custody and care of the person are not available," 18 U.S.C. § 4246(a) or (2) Soberanis would not "create a substantial risk of bodily injury to another person or serious damage to property of another" as a result of a mental disease or defect, 18 U.S.C. § 4246(e). Said Certification shall be filed with the Court not later than thirty (30) days from the entry of this Order. If the answer is the latter, the case shall be **REFERRED** back to Judge Baverman for an appropriate hearing on the issue of dangerousness.

SO ORDERED this 15th day of May, 2012.



RICHARD W. STORY
United States District Judge